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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Philippe Joliot

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EXAMINER

DOAN, TRANG T

ART UNIT

PAPER NUMBER

2431

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,565	Applicant(s) JOLIOT, PHILIPPE	
	Examiner TRANG DOAN	Art Unit 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/20/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8 are pending for consideration.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 09/20/2006 is being considered by the examiner.

Claim Objections

4. Claim 1 is objected to because of the following informalities:
5. Regarding claim 1, page 2, line 6, line 8, line14, line 20 and page 3, line 4, "the fragmentation-transmission key" should be "the symmetrical fragmentation-transmission secret key". Appropriate correction is required.
6. The dependent claims are depended on the objected base claim, and are objected for the same rationales.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Regarding claim 1, Examiner does not understand what Applicant means by “the sending element downloads a database listing the authorized sending elements, a symmetrical fragmentation-transmission secret key”. Is the sending element download the secret key from the database? Appropriate correction is required.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Reitmeier et al. (US Publication 2002/0003881) (hereinafter Reitmeier).

Regarding claim 1, Reitmeier discloses a secured and confidential method for transmitting a digital data file between a sending element and a receiving element via telecommunication or radio communication networks: the sending element downloads a database listing the authorized sending elements, a symmetrical fragmentation-transmission secret key (Reitmeier: paragraph 0018: the index table may be distributed using a different medium); the sending element transmits the fragmentation-

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transmission key to the receiving element via a so-called second-level relay (Reitmeier: paragraph 0018: the encrypted index table is downloaded to the receiver from an on-online server); the second-level relay informs the database that the fragmentation-transmission key is being used (Reitmeier: paragraph 0031); the receiving element transmits to the sending element an authorization to send fragments via the second-level relay (Reitmeier: paragraph 0041); the sending element fragments the data in the initial file, according to an incremental distribution before assignment by swapping, such that the data of each fragment is unintelligible, the level and the type of fragmentation being predefined in the fragmentation-transmission key (Reitmeier: paragraphs 0037 and 0041); the sending element assigns each fragment an addressing path through a so-called first-level network of relays (paragraphs 0054 and 0056); the sending element transmits each fragment to the receiving element via the first-level relays (Reitmeier: paragraph 0054); the receiving element reassembles the fragments received, according to the instructions in the fragmentation-transmission key, to recreate the initial data file (Reitmeier: paragraphs 0037 and 0041); the receiving element sends an acknowledgement of receipt and of checking of the reassembly of the initial file to the database via the second-level relay (Reitmeier: paragraph 0043); the fragmentation-transmission key is deleted from the database (Reitmeier: paragraph 0030).

12. Regarding claim 2, Reitmeier further discloses wherein there are defined several different classes for defining the initial information object to be transmitted, namely: a class T of fragmentation types of the bit-by-bit, byte-by-byte, byte block-by-byte block,

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bit block-by-bit block, space-by-space type, and therefore all possible instances for each of the abovementioned types (Reitmeier: paragraphs 0023-0027); a fragmentation level class F, F being a real integer at least equal to two determined when choosing the fragmentation level (Reitmeier: paragraphs 0023-0027); a network size class R, R being a real integer at least equal to one, and preferably greater than or equal to two, determined when choosing the size of the network architecture (Reitmeier: paragraphs 0023-0027); a class A of IP addresses of the relays of the network architecture of the types of IP addresses of the so-called first-level relays, IP addresses of the so-called second-level relays, with all possible instances (Reitmeier: paragraphs 0023-0027).

13. Regarding claim 3, Reitmeier further discloses wherein the fragmentation-transmission key comprises two subkeys, namely: a fragmentation-reassembly subkey, unique to each initial data file to be transmitted, and for which the counting possibilities are derived from the factorial computation, comprising the instructions needed for the deletion of the initial data file and the distribution by swapping in a set of fragments (Reitmeier: paragraph 0019); a sending subkey, unique to each initial data file to be transmitted, and for which the counting possibilities are derived from the exponential computation, comprising the instructions needed, such as the IP addresses of the first-level relays, for routing the fragments within the network of first-level relays (Reitmeier: paragraphs 0054-0057).

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14. Regarding claim 4, Reitmeier further discloses wherein the receiving element addresses a request to the first-level relays, the IP address of which is contained in the sending subkey, to download the fragments (Reitmeier: paragraph 0023).

15. Regarding claim 5, Reitmeier further discloses wherein each of the first-level relays is provided with management means for recognizing incoming fragments, intelligent sorting and forwarding the same fragments to their recipient (Reitmeier: paragraph 0031).

16. Regarding claim 6, Reitmeier further discloses wherein the second-level relay is not linked to the network of first-level relays (Reitmeier: paragraph 0056).

17. Regarding claim 7, Reitmeier further discloses wherein the network of first-level relays is dependent on the second-level relay for the definition of readdressing tasks (Reitmeier: paragraph 0056).

18. Regarding claim 8, Reitmeier further discloses wherein a first-level relay or second-level relay is replaced by three in-line relays, the intermediate relay of which is an IP address linked to the other two relays via a non-Internet connection (Reitmeier: paragraph 0054-0056).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRANG DOAN whose telephone number is (571)272-0740. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Trang Doan/
Examiner, Art Unit 2431

/Syed Zia/
Primary Examiner, Art Unit 2431